UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SR-6J

August 5, 1996

Mr. Alan P. Bielawski, Esq.
Sidley & Austin
One First National Plaza
Chicago, Illinois 60603

Re: Listed Waste Issue
Lenz Oil Service Site
Lemont, Illinois

Dear Mr. Bielawski:

U.S. Environmental Protection Agency (USEPA) and Illinois Environmental Protection Agency (IEPA) (the Agencies) have reviewed the topic of RCRA listed waste as it relates to the Lenz Oil Service Superfund site in Lemont, Illinois. As has been established in the past, the waste oil present at the site as a light nonaqueous phase liquid (LNAPL) is considered a RCRA listed and characteristic waste. The LNAPL waste is considered to be a RCRA listed waste because some of the waste oil transported to the site for recycling contained one or more "F-listed" waste streams. The LNAPL waste is considered to be a RCRA characteristic waste because, based on TCLP tests performed on it, it met the characteristic criteria for ignitability. The LNAPL waste should be considered to be a RCRA hazardous waste in all situations, and would have to be handled in compliance with RCRA requirements, unless a request for delisting was formally approved by the Agencies. This would mean, for example, that if the LNAPL was to be shipped off-site, it would have to be disposed of at a RCRA Subtitle C landfill, regardless of whether it had been treated on-site or not, and the waste would have to be transported in compliance with RCRA requirements.[1]

Although the listed nature of the LNAPL waste at the site has been well established, questions have arisen regarding how to consider media at the site that are contaminated with the LNAPL. Consistent with Federal and State RCRA policy, all media at the site should be considered to be

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[1]Note: If levels of polychlorinated biphenyls in the oil required it to be treated as a TSCA waste, all TSCA requirements for handling, storing, treating and disposing of the waste would have to be met.

RCRA hazardous if they have become contaminated with the LNAPL waste at levels that exceed acceptable health-based risk levels. If, based on the levels of the contaminants in the media, the medium does not pose unacceptable risks to human health or the environment, it is not required that the medium be treated as RCRA hazardous waste. Unacceptable risks would include either an excess carcinogenic risk greater than the target risk range of 10^{-4} to 10^{-6} or a noncarcinogenic risk represented by a Hazard Index greater than 1.0. Therefore, for the purposes of the Feasibility Study being prepared for the Lenz Oil site, the Agencies have determined that the following assumptions should be used in evaluating remedial alternatives: (1) groundwater, soil, and sediment contaminated with LNAPL should be considered to be and treated as RCRA hazardous waste if carcinogenic risks posed by the levels of contaminants in the medium are greater than the 10^{-4} to 10^{-6} target risk range or if the noncarcinogenic Hazard Index calculated for the medium is greater than 1.0; and (2) LNAPL waste from the site should be considered to be and treated as RCRA hazardous waste unless delisting of the waste is formally granted by the Agencies.

Specific questions regarding how RCRA regulations may impact components of remedial alternatives being considered for the Lenz Oil site will be reviewed and responded to by the Agencies based on the assumptions outlined above. As has been discussed, the Agencies plan to respond by August 21, 1996 to questions included in the remedial alternatives proposal to be submitted on August 7, 1996.

Sincerely,

Mary M. Tierney
U.S. EPA

cc: Elsie Millano, ERM-North Central, Inc.
John Imse, ERM-North Central, Inc.
Diane Richardson, Commonwealth Edison
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